

BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of )

Amendment of Section 73.202(b) )

Table of Allotments, )

FM Broadcast Stations )

(Mt. Juliet and Belle Meade, Tennessee) )

MM Docket No. 97-97

RM -9047

RECEIVED

MAY 12 1997  
Federal Communications Commission  
Office of Secretary

## COMMENTS

Great Southern Broadcasting Company, Inc. ("Great Southern")<sup>1</sup>, by its attorneys, hereby files its comments in the above-captioned rule making proceeding which proposes to delete FM Channel 294A, the sole local broadcast service assigned to Mt. Juliet, Tennessee, a community with a population of 5,389 persons<sup>2</sup> and growing, and reallocating it to Belle Meade, Tennessee a community with a much smaller, static population of only 2,839 persons. The Notice of Proposed Rule Making ("NPRM") in this proceeding was prompted by Mt. Juliet Broadcasting, Inc. ("MJB") the permittee of Station WNPL, Channel 294A, Mt. Juliet. MJB acquired the WNPL permit in the name of Jamal Broadcasting, L.P. ("Jamal") as the result of a settlement agreement in a comparative proceeding, MM Docket No. 91-94. Thereafter, Jamal assigned the permit by a pro-forma 316 application to MJB, a corporation owned by Jamal. (File No. BAPH-960424GG.)

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<sup>1</sup> Great Southern is the licensee of Standard Broadcast Station WAMB, Donelson, Tennessee and operates Station WAMB-FM1 on Channel 294A under an STA which will terminate when Station WNPL begins broadcasting.

<sup>2</sup> 1990 U.S. Census

In considering this reallocation, the Commission said that it will compare "... the existing allotment versus the proposed allotment to determine whether the reallocation will result in a preferential arrangement of allotments ... based upon the ... priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982) ...". See NPRM, Par. 4; Modification of FM and TV Authorizations To Specify A New Community Of License, 4 FCC Rcd 4870 (1989); recon. granted in part, 5 FCC Rcd 7094 (1990). The Commission also is aware that this proposal "... would be removing the only local service from Mt. Juliet, a community of 5,389 persons" and stated that "... [in] view of the larger population of Mt. Juliet, we normally would not be able to find that a reallocation of the smaller community of Belle Meade would result in a preferential arrangement of channels ...". (NPRM para. 4). In the Notice, the Commission also observed that the proposal will provide a 70 dBu signal to the entire city of Nashville and stated as follows:

... we will not uncritically apply a first local service preference of the FM allotment priorities when a party seeks to reallocate its channel to a suburban community of a nearby urban area. Rather, in assessing a proposal to award a first local preference to a community in an urbanized area, we apply existing precedents. See Huntington Broadcasting Co. v. FCC, 192 F. 2d 33 (D.C. Cir. 1951); RKO General (KFRC), 5 FCC Rcd 3222 (1990); Faye and Richard Tuck, 3 FCC Rcd 5374 (1988). To this end, we request specific comment regarding the extent to which the station will provide service to the entire Nashville Urbanized Area, the relative populations of Belle Meade and Nashville, and the interdependence of Belle Meade to the Urbanized Area ... (NPRM, para. 5).

The Commission also stated, however, that these critical factors may not result in an impediment to the reallocation if the allotment of the channel to Mt. Juliet were technically defective due to predicted EMI interference to FAA facilities. It therefore asked for comments on that aspect of the proposal also, which are submitted below. Great Southern turns first to the essential question

presented by the proceeding under the provisions of Section 307(b) of The Communications Act of 1934, as amended.

Where an applicant proposes a broadcast station for a suburban community which is dependent upon and contiguous to a central city, with sufficient power to serve the entire metropolitan area, the Commission treats the entire metro area as one community for Section 307(b) purposes. (Huntington, *supra*, 192 F. 2d 33, at 35). In situations such as that presented here, two factors are decisive in determining whether the Huntington doctrine applies: (1) the interdependent relationship between the smaller, specified city and the central city, and (2) their proximity and relative sizes. The Commission pointed out in Tuck, *supra* 3 FCC Rcd at 5378, that ". . . [a]lthough interdependence is the most important consideration under Huntington, the required showing of interdependence between the specified community and the central city will vary depending on the degree to which the second criterion -- relative size and proximity -- suggests that the community of license is simply an appendage of a large central city. When the specified [suburban] community is relatively large and far away from the central city, a strong showing would be necessary . . . . On the other hand, less evidence that the communities are interdependent would be required when the community at issue is smaller and close to the central city." Tuck, *supra*, at 5377-78. The Belle Meade proposal at issue here, falls into the second category, and thus less evidence of interdependence is needed. Although, as pointed out below, there is abundant evidence of the interdependence of Belle Meade with Nashville.

Belle Meade is a tiny community with a 1990 population of only 2,839 persons. It is located in Davidson County and is completely surrounded by the substantially larger city of Nashville which has a population of 504,505 persons according to the U.S. Census. (Nashville's formal designation is the Metropolitan Government of Nashville and Davidson County.) Thus, the population of Belle Meade represents approximately only 0.5% of the population of the surrounding City of Nashville. Moreover, since Belle Meade is held captive, geographically, by Nashville, it cannot grow and its population has remained static over the years.

In assessing the interdependence of a smaller, specified city with the larger central city, the Commission considers the following characteristics: (1) the extent to which community residents work in the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the community has its own commercial establishments, health facilities, and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries. (Tuck, supra, 3 FCC Rcd 5374, 5378)

Belle Meade is a purely residential enclave, literally a "bedroom community" for the surrounding, larger metropolis of Nashville. While Belle Meade has a Mayor and City Manager and a tiny police force, there are no businesses located in Belle Meade and commercial establishments are banned from the city by its zoning code. Thus, MJB's representation to the Commission that Belle Meade has "approximately six dozen businesses" (Notice, para. 3) is not correct. Indeed, the list of such alleged businesses submitted as Attachment B to MJB's petition for rule making shows that they all have Nashville, Tennessee addresses. In light of the fact that Belle Meade's zoning code does not recognize commercial establishments, MJB would be prohibited by law from locating its main studio or business office in Belle Meade in the event channel 294A were reallocated there. Since there are no businesses or commercial establishments within Belle Meade, its residents must look to Nashville for local employment.

Also misleading is MJB's claim that Belle Meade has its own newspaper. The fact is that the only Belle Meade newspaper is a weekly "shopper" which is not published in Belle Meade and is distributed free of charge at stores located outside of the community. Belle Meade residents are served by the daily newspapers published in Nashville, The Tennessean and the Nashville Banner and by the eight AM and nine FM radio stations and seven television stations licensed to Nashville.

Belle Meade does not have its own telephone book. Residents of Belle Meade are listed in the Nashville telephone directory. There are no telephone exchange numbers assigned exclusively to Belle Meade. Again, the telephone exchanges serving Belle Meade also serve

subscribers living in Nashville. Belle Meade does not have its own Post Office and the two postal zip codes designated for portions of Belle Meade, 37205 and 37212, also include much larger portions of adjacent Nashville.

There are no hospitals located in Belle Meade. Belle Meade residents look to Nashville for hospital service. Belle Meade must also rely upon Nashville for fire protection, schools and libraries. There are no public schools in Belle Meade of any kind. Belle Meade students attend Nashville public schools. There is no public library in Belle Meade, its residents use the Nashville public libraries. The Nashville Fire Department serves Belle Meade.

Due to its tiny size, its location relative to the surrounding much larger city of Nashville, its total lack of business establishments, and the service provide to it by Nashville media, Belle Meade is clearly part of the Nashville advertising market.

All of the above factors clearly establish the interdependence of Belle Meade with Nashville. When these factors are added to the fact that the proposed reallocation of Channel 294 to Belle Meade will provide a 70 dBu signal to the entire city of Nashville, it is clear beyond peradventure that the proposal will merely add an additional, eighteenth radio broadcast transmission service to Nashville at the expense of deleting Mt. Juliet's only radio service. There are a plethora of radio reception services available to the entire area proposed to be served by MJB's Belle Meade station. Therefore, MJB's assertion that its proposal would result in a gain of service to 23,946 persons is not decisionally significant for Section 307(b) purposes.

Mt. Juliet, unlike Belle Meade is a completely separate, independent community with a much larger 1990 population of 5,389 persons and it continues to grow at a rapid pace. A special census taken in 1994 shows Mt. Juliet has a population of 9,100 persons. Mt. Juliet is located in Wilson county and has its own local government, its own police and fire departments, its own post office, postmaster and zip code, its own high school, junior high school and elementary school, over 100 business and commercial establishments of all types, over thirty churches and a local ministerial association, two weekly newspapers with paid subscribers and its own local chamber of commerce.

Thus by any measure, the subject proposal to delete channel 294A from Mount Juliet and reallocate it to Belle Meade would not result in a preferential arrangement of channels and such reallocation would clearly be contrary to the provisions of Section 307(b) of the Act.

Moreover, Channel 294A can provide service to Mt. Juliet without causing EMI interference to FAA facilities. As shown in the attached engineering statement of William O. Barry, (Exhibit A hereto) MJB's Station WNPL could operate on Channel 294A with 100 watts of power and an antenna height of 100 meters above average terrain and provide the required city grade signal to the entire city of Mt. Juliet as a Class A FM station in accordance with Rule 73.211(a). Such operation should not cause EMI interference to the FAA navigational devices with the change of frequencies of those facilities which MJB proposes. Thus, MJB can provide Mt. Juliet with its needed first radio broadcast transmission service as it originally proposed.

MJB (Jamal) has long been on notice that operation of its proposed station at Mt. Juliet with 6 KW of power would cause EMI interference and thus, it was long ago determined by the FAA that that proposal would create a hazard to air navigation. As early as June 27, 1990, MJB (then Jamal) was notified by the FAA by letter, that its proposal ". . . would cause substantial adverse effects upon air navigation. . ." due to EMI. (See Exhibit B, hereto, FAA Termination of Aeronautical Study of Proposed Construction Or Alteration, dated April 19, 1991, addressed to Michael Grant, MJB's/Jamal's principal owner.) Similarly, the FAA issued a "Determination of Hazard to Air Navigation" due to EMI interference dated July 3, 1991 addressed to Jamal Broadcasting, L.P. (now MJB) c/o Michael Grant. (Exhibit C hereto)

Thereafter, Jamal (now MJB), amended its then pending application for Mt. Juliet on July 31, 1991 to advise the Commission of the FAA's action and that Jamal (MJB) was willing to accept grant of its application on the condition that if it received notification that harmful interference was being caused by its Mt. Juliet station that it would, inter alia, ". . . immediately reduce the power to the point of no interference, cease operations, or take such immediate corrective action as necessary to eliminate the harmful interference." (See Exhibit D hereto, Amendment to Jamal's (MJB's) application dated July 31, 1997).

Therefore, MJB should not complain if the Commission requires it to operate WNPL with reduced power, so as to provide a needed first radio transmission service to Mt. Juliet, as it previously represented to the Commission it is willing to do. Such a solution would be in accordance with the provisions of Section 307(b) of the Act.

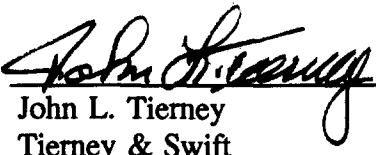


## CONCLUSION

From the above it is clear that the proposed removal of Channel 294A from Mr. Juliet and its reallocation to Belle Meade would not result in a preferential arrangement of channels. The proposed move would deprive Mt. Juliet, a community of 5,389 persons and growing, of its only radio station in favor of Belle Meade, which, with a static population of only 2,839 persons, is completely surrounded by Nashville with a population of over 500,000 persons. The proposed reassignment of the channel would, in reality, provide an eighteenth radio station to Nashville under the teachings of Huntington Broadcasting Co. v. FCC, RKO General (KFRC) and Faye and Richard Tuck, all supra. There is no technical impediment to retention of Channel 294A at Mt. Juliet since Station WNPL can operate there with 100 watts of power and provide a 70 dBu service to all of Mt. Juliet in accordance with Commission Rules and without causing EMI interference to FAA facilities. Thus, reassignment of channel 294A from Mt. Juliet to Belle Meade as proposed under these circumstances would be contrary to Section 307(b) of the Communications Act and should not be implemented.

Respectfully submitted,

GREAT SOUTHERN BROADCASTING  
COMPANY, INC.

By:   
John L. Tierney  
Tierney & Swift  
1001 Twenty-Second Street, N.W.  
Suite 350  
Washington, D.C. 20037  
Its attorney

Date: May 12, 1997

**Exhibit A**

**Engineering Statement of Wiliam O. Barry.**

ENGINEERING STATEMENT  
OF  
WILLIAM O. BARRY

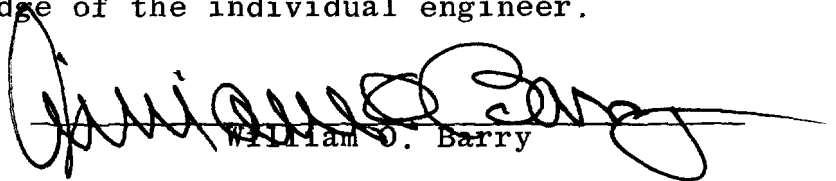
This engineering statement is prepared on behalf of Great Southern Broadcasting Company, Inc., as part of its Comments in the the Notice of Proposed Rule Making seeking reallocation of Channel 294A from Mt. Juliet, Tennessee, to Belle Meade, Tennessee.

It appears that WNPL (FM) could operate from a site within Mt. Juliet. Assuming a site at Lat.  $36^{\circ} 12' 00''$  N and Lon.  $86^{\circ} 31' 00''$  W, WNPL operating with 0.1 KW ERP (the minimum power for a Class A station according to Section 73.211(a) of the FCC Rules), an antenna height of 100 meters above average terrain, and a non directional antenna would provide a 3.16 mV/m signal over the city limits of Mt. Juliet, see exhibit No. 1.

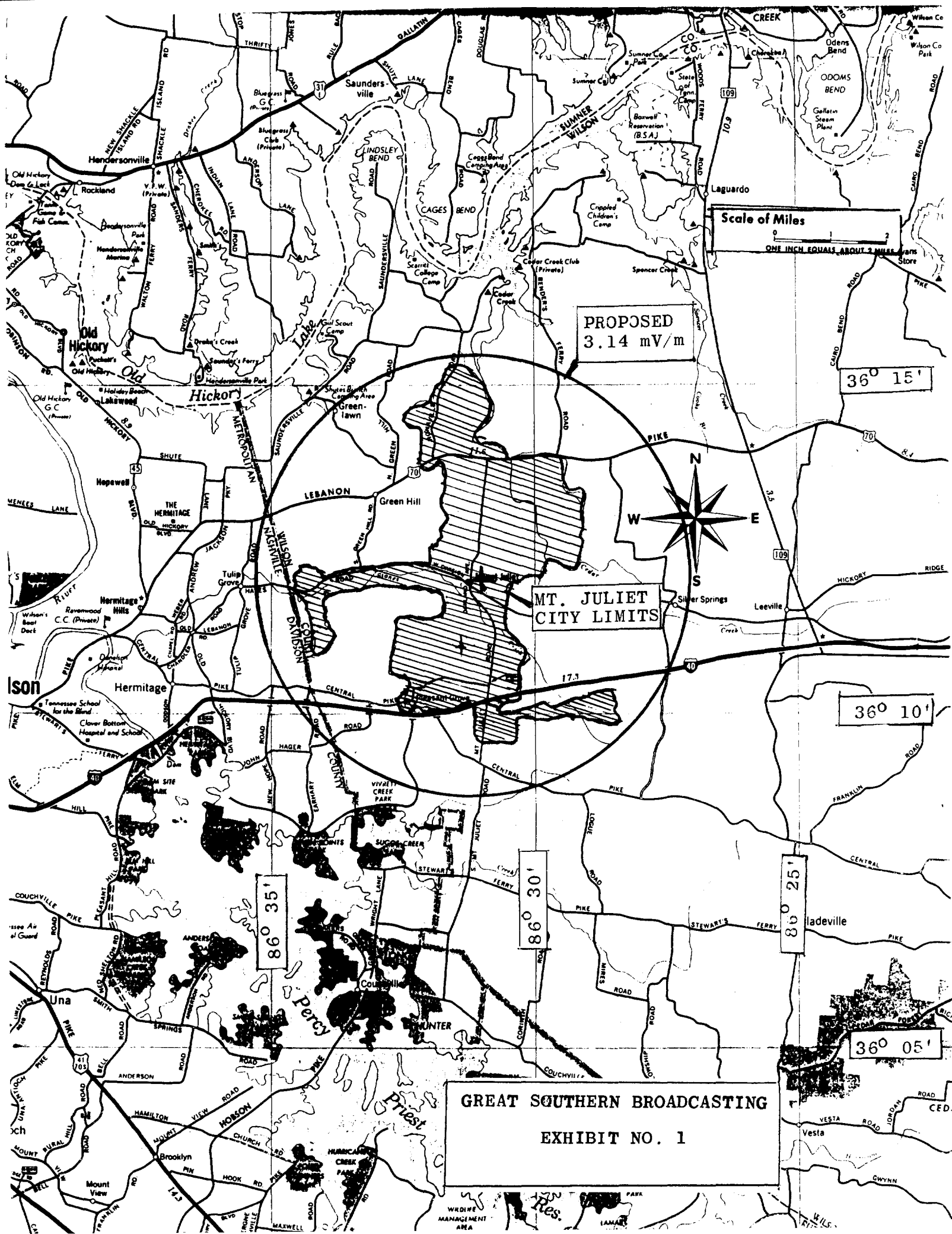
The proposed site is short spaced with WSKZ (FM), Channel 293C, Chattanooga, Tennessee, operating on the first adjacent channel, see exhibit No. 2. However, an application seeking modification of the present WNPL construction permit proposing a 0.1 KW ERP station could be processed by the Commission under Section 73.215 of the FCC Rules (contour protection). The proposed site is 158.3 KM from WSKZ, well under the allowable spacing of 142 KM. Assuming maximum facilities for WSKZ of 100 KW ERP and antenna height of 600 meters above average terrain, no interference will be given to or received from WSKZ, see exhibit No. 3.

If the FAA determines this WNPL minimum proposal will still cause EMI problems, the changes in the localizers at the Smyrna and Nashville airports as proposed by WNPL in its application to move to Belle Meade could be employed.

This engineering statement is submitted as correct and true to the best of the knowledge of the individual engineer.

  
William O. Barry

May 9, 1997



Great Southern Broadcasting Co., Inc  
Exhibit No. 2

REFERENCE		DISPLAY DATES	
36 12 00 N	CLASS A	DATA	07-26-96
86 31 00 W	Current rules spacings	SEARCH	05-09-97
----- CHANNEL 294 -106.7 MHz -----			

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
WAOF.C	294A	Mount Juliet	TN	258.5	13.97	115.0	-101.03	*
WSKZ	293C	Chattanooga	TN	136.5	158.24	165.0	-6.76	*
WKXDFM	295C2	Monterey	TN	94.1	114.72	106.0	8.72	
ALOPEN	294A	Lawrenceburg	TN	214.4	126.71	115.0	11.71	
WDXEFM	294A	Lawrenceburg	TN	214.4	126.71	115.0	11.71	
WXPC	294A	Horse Cave	KY	26.5	128.39	115.0	13.39	
ALOPEN	293C3	Oak Grove	KY	306.6	103.68	89.0	14.68	
WBLG	296C2	Smiths Grove	KY	17.8	75.02	55.0	20.02	

# GREAT SOUTHERN BROADCASTING

EXHIBIT NO. 3

WNPL  
0.5 mV/m (10%)

WSKZ  
0.5 mV/m (10%)

WNPL  
1.0 mV/m (50%)

WSKZ  
1.0 mV/m (50%)

Kilometer Scale  
0 10 20 30 40 50 60 70 80 90 100

Predicted Signal Contours:

36 12 00 - Mount Juliet Tennessee  
86 31 00 -

ERP = .1 kW, -10 dBk      FM - 2-6 Tables

Radial	HAAT	kW	dBk	Field	60 dBu.5	54 dBu.1
0 Degr.	119.2M	0.100	-10.000	1.000	11.2	16.2
45 Degr.	100.8M	0.100	-10.000	1.000	10.4	14.5
90 Degr.	76.1M	0.100	-10.000	1.000	9.0	12.6
135 Degr.	68.0M	0.100	-10.000	1.000	8.5	12.0
180 Degr.	98.8M	0.100	-10.000	1.000	10.3	14.4
225 Degr.	99.2M	0.100	-10.000	1.000	10.3	14.4
270 Degr.	124.9M	0.100	-10.000	1.000	11.4	16.7
315 Degr.	112.7M	0.100	-10.000	1.000	10.9	15.7

Ave. HAAT= 100.0M,    Ant. COR= 263.9M AMSL

Predicted Signal Contours:

35 09 42 - Chattanooga @ Maximum Facility  
85 19 06 -

ERP = 100 kW, 20 dBk		FM - 2-6 Tables				
Radial	HAAT	kW	dBk	Field	60 dBu.5	54 dBu.1
0 Degr.	449.4M	100.000	20.000	1.000	83.4	123.9
45 Degr.	561.7M	100.000	20.000	1.000	90.2	134.6
90 Degr.	749.0M	100.000	20.000	1.000	97.6	143.7
135 Degr.	766.6M	100.000	20.000	1.000	98.3	144.4
180 Degr.	757.6M	100.000	20.000	1.000	97.9	144.1
225 Degr.	552.7M	100.000	20.000	1.000	89.8	134.0
270 Degr.	497.3M	100.000	20.000	1.000	86.6	129.2
315 Degr.	465.9M	100.000	20.000	1.000	84.6	125.8
-----						
Ave. HAAT= 600.0M, Ant. COR= 987.0M AMSL						



Exhibit B

FAA Termination of Aeronautical Study of Proposed Construction or Alteration  
dated April 19, 1991.

US Department  
of Transportation  
Federal Aviation  
Administration

SOUTHERN REGION  
ATTN: ASO-532  
P. O. BOX 20636  
ATLANTA, GEORGIA 30320  
404-763-7646

WHERE OFFERED  
AERONAUTICAL STUDY  
NO. 89-ASO-2060-OE

TERMINATION OF  
AERONAUTICAL STUDY OF PROPOSED CONSTRUCTION OR ALTERATION

SPONSOR	Michael Grant 505 Piccadilly Row, #202 Nashville, TN 37013	CONSTRUCTION LOCATION	
		PLACE NAME	
		Nashville, TN	
		LATITUDE	LONGITUDE
		36°10'30"	86°40'08"
CONSTRUCTION PROPOSED	DESCRIPTION FM RADIO ANTENNA TOWER 106.7 MHz; 6 KW ERP	HEIGHT (IN FEET)	
		ABOVE GROUND	ABOVE AISL
		73	848

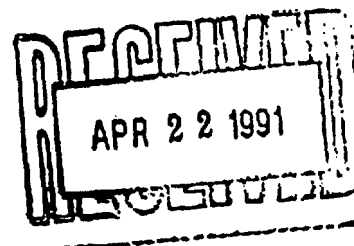
Our June 27, 1990 letter notified you that your proposed construction would cause substantial adverse effects upon air navigation.

The letter stated that the proposal would cause intermodulation interference to aircraft making an instrument landing system (ILS) approach to Runway 32 at Smyrna Airport and Runways 31, 2L, and 20R at Nashville International Airport.

No reply to this notice was received, therefore, the aeronautical study is terminated.

If you desire to reactivate the construction proposal, please use the enclosed FAA Form 7460-1.

cc: FCC  
ASO-483  
Lechman & Johnson, Inc.



SIGNED Robert L. Shipp, Jr. TITLE Airspace Specialist  
ISSUED IN East Point, GA ON April 19, 1991  
System Management Branch

AIRPORT MANAGERS - PLEASE POST

COMMENTS INVITED

Exhibit C

FAA Determination of Hazard To Air Navigation addressed to Jamal Broadcasting, L.P. dated July 3, 1991.



U.S. Department  
of Transportation  
Federal Aviation  
Administration

SOUTHERN REGION  
ATTN: ASO-532  
P.O. BOX 20636  
ATLANTA, GEORGIA 30320  
404-763-7646

IN REPLY REFER TO  
AERONAUTICAL STUDY  
NO. 89-ASO-2036-OE

## DETERMINATION OF HAZARD TO AIR NAVIGATION

SPONSOR	Jamal Broadcasting, L.P. c/o Michael Grant 505 Piccadilly Row, #404 Nashville, TN 37013	CONSTRUCTION LOCATION	
		PLACE NAME	
		Nashville, TN	
		LATITUDE	LONGITUDE
		36°10'30"	86°40'09"
CONSTRUCTION PROPOSED	DESCRIPTION FM Radio Antenna Tower 106.7 MHz/6 KW ERP	HEIGHT (IN FEET)	
		ABOVE GROUND	ABOVE MSL
		73	848

An aeronautical study of the proposed construction described above has been completed under the provisions of the Federal Aviation Act of 1958, as amended. Based on the study, it is found that the construction would have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigational facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the construction would be a hazard to air navigation.

This determination is subject to review if a petition is filed by an interested party on or before August 2, 1991. In the event a petition for review is filed it should be submitted in triplicate to the Manager, Flight Information and Obstructions Branch, ATP-240, Federal Aviation Administration, Washington, D.C., 20591, and contain a full statement of the basis upon which it is made.

This determination becomes final on August 12, 1991, unless a petition for review is timely filed, in which case the determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

An account of the study findings, aeronautical objections, if any, registered with the FAA during the study, and the basis for the FAA's decision in this matter will be found below and/or on the following page(s).

If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.

The determination, issued in accordance with Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 as amended, concerns the effect of this proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

DISTRIBUTION: ZAT-03

SIGNED Robert L. Shipp Jr. TITLE Airspace Specialist  
Robert L. Shipp Jr. System Management Branch  
ISSUED IN East Point, Georgia ON July 3, 1991

The proposed construction would be located approximately 2.1 nautical miles southeast of the Cornelia Fort Airport and 2.7 nautical miles north of the Nashville International Airport reference points.

The proposal does not exceed the obstruction standards of Federal Aviation Regulations, Part 77.

Study for visual flight rules (VFR) disclosed the proposal would beyond all known airport traffic pattern airspace areas and at 73 feet above ground level would not penetrate altitudes considered available for VFR enroute operations.

Aeronautical study disclosed that the proposal would have an adverse electromagnetic impact on those aircraft operating within the frequency protected service volume while making a Localizer Runways 31 and 20R instrument approach to Nashville International Airport and Localizer Runway 32 to Smyrna Airport. These aircraft will be subject to hazardous two signal/third order intermodulation interference of type (A)  $2f_1 - f_2$  resulting in navigation receiver overload.

This electromagnetic interference would result in unreliable course information to pilots utilizing the standard instrument approach procedures (SIAP) serving the Nashville International and Smyrna Airports. A review of statistical data on file disclosed that during the 12 month period ending May 31, 1991, there were 241,128 instrument operations at Nashville International Airport and 11,588 instrument operations at Smyrna Airport. A review of runway use data disclosed that Runways 31 and 20R at Nashville International Airport are used 26% of the time (62,693 instrument operations) and that Runway 32 at Smyrna is used 85% of the time (9,849 instrument operations). Therefore, the proposal would have an adverse effect on a significant volume of aeronautical operations.

Further analysis also indicated that a spurious in-band intermodulation problem exists between the FM station and the Nashville International air-ground (118.6 MHz) facility.

Therefore, it is determined that the proposed structure would have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft and on the operation of air navigation facilities and would be a hazard to air navigation.

Circularization of the details of the proposed construction to the aeronautical public was waived in view of the fact that the proposal was found to have substantial adverse effect based on internal FAA study. The expertise and responsibility of evaluating electromagnetic effects rest with the Agency, and circularization, therefore, would have served no useful purpose and was considered unnecessary.

Exhibit D

Amendment to Jamal Broadcasting, L.P. application, File No. BPH-891011MJ,  
Docket NO. 91-84, dated July 31, 1991.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of	)	MM Docket No. 91-84
	)	
Grady Lynn and Carol Lynn	)	File No. BPH-891011MJ
d/b/a Lynn Broadcasting	)	
	)	
<u>et al.</u>	)	
	)	
For Construction Permit for	)	
a New FM Station on Channel	)	
294A, Mt. Juliet, Tennessee	)	

To: Hon. Edward Kuhlmann, Administrative Law Judge

AMENDMENT


Jamal Broadcasting, L.P. ("Jamal") respectfully amends its application: (1) to report that on July 3, 1991, the FAA issued an air hazard determination for its proposed site, finding that while the site does not exceed the obstruction standards of Federal Aviation Regulations, Part 77, it would have an adverse impact on aircraft based on electromagnetic interference (EMI); and (2) to reconfirm that it will accept the imposition of the following condition upon any grant of its application:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the operation of the licensee's [permittee's] transmitter, the licensee [permittee] shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as necessary to eliminate the harmful interference. This condition expires after one year of interference-free operation.

I declare under penalty of perjury under the laws of the United States of America that the representations made in the foregoing "Amendment" are true and correct to the best of my knowledge and belief.

Executed


July 31, 1991

  
\_\_\_\_\_  
Michael Grant  
General Partner

**CERTIFICATE OF SERVICE**

I, Denise A. Branson, secretary in the law firm of Tierney & Swift hereby certify that I have sent by first-class mail, postage prepaid this 12th day of May, 1997, copies of the foregoing COMMENTS to the following:

Edward W. Hummers, Jr., Esquire  
Holland & Knight LLP  
2100 Pennsylvania Avenue, NW  
Suite 400  
Washington, D.C. 20037-3202  
(Counsel for MJB)

  
\_\_\_\_\_  
Denise A. Branson